

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 01/31/2024

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YURI COUTO, an individual,

Plaintiff,

-v-

JPMORGAN CHASE & CO., a Delaware corporation,

Defendant.
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23-cv-9306 (LJL)

ORDER


LEWIS J. LIMAN, United States District Judge:

Plaintiff pro se has informed the Court of the “early resolution of this claim” and requests that the action be “dismissed in its entirety.” Dkt. No. 24. The letter contains the words “without prejudice” although it is unclear from its placement (on the signature line) to what that refers. Federal Rule of Civil Procedure 41(a)(1) permits a plaintiff to dismiss a complaint without a court order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment. Fed. R. Civ. P. 41(a)(1)(A)(i). No answer or motion for summary judgment has been filed. The Rule further provides that “[u]nless the notice or stipulation states otherwise, the dismissal is without prejudice.” Fed. R. Civ. P. 41(a)(1)(B). Accordingly, the Plaintiff could have voluntarily dismissed the action without a court order. Federal Rule of Civil Procedure 41(a)(2) permits an action to be dismissed at the plaintiff’s request by court order on terms that the court considers proper. Fed. R. Civ. P. 41(a)(2). Because Plaintiff could have voluntarily dismissed the action without a court order and without prejudice, and because Plaintiff is proceeding pro se, the court will grant Plaintiff’s request to dismiss the action and will do so without prejudice.

It is hereby ORDERED that this action is DISMISSED without costs and without prejudice to restoring the action to the Court's calendar, provided the application to restore the action is made within thirty (30) days of this Order. Any application to reopen filed after thirty (30) days from the date of this Order may be denied solely on that basis. Any pending motions are DISMISSED as moot, and all conferences and deadlines are CANCELLED.

SO ORDERED.

Dated: January 31, 2024
New York, New York



LEWIS J. LIMAN
United States District Judge